

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Suits-Telugu Ganga Project, Nandyal Unit-Kurnool District-Bhanumukkala Village-Pamulapadu (M)-L.A.O.P.No. 85/95 & 86/95-Mulberry Crops-Market value enhanced from Rs.26250/- to Rs.157500/--per acre-Appeals filed-Further appeals dropped-Final Decretal charges-Rs.16,23,243/--Sanction Orders-Issued.

IRRIGATION & C.A.D (PW: L.A.II) DEPARTMENT

G.O.Rt.No. 535

Dated: 16.08.2010
Read

From the Special Chief Secretary to Government & CCLA, A.P.
Hyderabad CCLA's Ref.No. S1/288/2010, Dated: 19.5.2010.

O R D E R:

The Special Chief Secretary to Government and Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad in the reference 1st read above has stated that the Special Collector, Srisailem Project, Kurnool has informed that the Special Deputy Collector, Telugu Ganga Project, Nandyal had acquired the dry lands in Sy.No. 475/2 & 476/1 for an extent of 1.06 acres in Bhanumukkala village, Pamulapadu Mandal and also paid compensation to the awardees. The Special Collector has further stated that there was Mulberry Crop existing on the lands under acquisition in above Sy.Nos. The Mulberry crop value was also paid Rs. 26,250/- for five picklings as per the norms fixed by the Director of Sericulture, Andhra Pradesh, Hyderabad. Aggrieved with the Crop compensation awarded by the LAO, the awardees have filed petitions u/s.18(2) of L.A. Act for re-determination of crop value. Accordingly the references u/s. 18(2) of L.A. act were sent to the Lower Court. The Principal Senior Civil Judge Court delivered the Judgment on 31.7.2000 by enhancing the market value @ Rs.60000/- per acre in O.P.No. 85/95 & 86/95. Aggrieved with the Crop compensation enhanced by the Lower Court, Appeals were filed in High Court as per the opinion given by the Assistant Government Pleader, Kurnool. The Hon'ble High Court has also enhanced the Mulberry Crop value in A.S.No. 3726/2000 & 3730/2000 dt:7.9.2009 for six years on the Crop value awarded by the LAO i.e. (26250 X 6) @ Rs. 1,57,500/- per acre with all statutory benefits as per the Amended Act in cross objections relied upon orders of the Hon'ble High Court earlier Judgment in A.S.No. 606/99 in cross objections dt: 31.3.2004. The Government Pleader for Appeals, High Court of Andhra Pradesh, Hyderabad has opined that there are no grounds to prefer an appeal before the Supreme Court and advised to comply the judgment of Hon'ble High Court at the earliest to avoid payment of further interest.

2) The Special Chief Secretary to Government & Chief Commissioner of Land Administration, Andhra Pradesh Hyderabad has further stated that in this case, the LAO did not include the compensation, the Mulberry Crop value, as the Assistant Director, Sericulture is awaiting determination of norms for valuation of Mulberry crop at higher level, at the time of passing of award on 20.5.1985. Subsequently, the Deputy Director (Sericulture), Kurnool vide his reference dated: 29.4.88, addressed the Special Deputy Collector, L.A. T.G.P., Unit -II, Nandyal, while enclosing the orders of Director, Sericulture issued in this regard to take further action. Accordingly, the Special Deputy Collector, Nandyal vide his proceedings dated: 20.12.88, awarded the payment for Mulberry crop @ Rs.3500/- per acre towards cultivation cost and @Rs.26250/-

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per acre for 5 picklings for mulberry crop. Subsequently, references were made by LAO, which were numbered as O.P.No. 85/95 & 86/95. The Lower Court while observing that the productivity of leaves of Mulberry crop is only three times per year and it would give production of leaves two years continuously, three picklings of each year. The estimated income of each picklings of Mulberry crop per acre @ 10000/-, therefore it would fetch Rs.30000/- income per year for acre. The Mulberry leaves can be used only for the purpose to feed Resham (Pattupurugu). The cocoon was not less than between Rs.50/- to 75/- per KG in the year 1984-85 and opined that the claimants are entitled for compensation @ Rs.30000/- per acre for two years, taking into consideration the production of Mulberry crop for 6 picklings in those 2 years, the gross of which would come to Rs.60000/- per acre. Aggrieved by the above enhancement, the LAO filed appeals in A.S.No. 3730/2000 and AS.No. 3726/2000, where in the Hon'ble High Court in its judgment dated: 7.9.2009, while observing that the compensation awarded by the reference court appears to be just and reasonable and therefore no illegality or irregularity found in the impugned order except with regard to the compensation awarded in respect of Mulberry crop. Since the judgment in A.S.No. 606/2009 and cross objections dated: 31.3.2004, the life span of Mulberry was taken at 8 years and compensation awarded at Rs. 26250/- per acre per year and are inclined to take the same view in the present case and hence, as the reference Court has taken the life span of Mulberry crop at two years only, the respondents/claimants are entitled for additional compensation for Mulberry crop for the remaining six years, which comes to Rs.1,57,000/- (26250 X 6). The impugned order was modified accordingly. The Government Pleader for Appeals, High Court of Andhra Pradesh, vide his opinion dated: 4.3.2010, opined, while reiterating the observations of Hon'ble High Court in fixing the compensation, in the instant case that there are no grounds to prefer an appeal before the Supreme Court and therefore advised to comply the judgment of the Hon'ble High Court, at the earliest to avoid payment of further interest. Therefore, the Special Collector, Srisailam Project, Kurnool has submitted the final decretal proposals for an amount of Rs.16,33,654/- in respect of OP.No. 85/95 & 86/95 of Bhanumukkala Village, Pamulapadu Mandal, Kurnool District, in Award No. 15/85, dt: 20.5.85.

3) In the circumstances the Special Chief Secretary to Government & Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has submitted the final decretal proposals in O.P. No. 85/95 & 86/95 in A.S. No. 3726/2000 and 3730/2000, dt: 7.9.2009 for an amount of Rs. 16,23,243/- (Rupees Sixteen Lakhs twenty three thousand two hundred and forty three only) for an extent of 1.96 acres in Sy.No. 475/2 & 476/1 acquired through Award No. 15/85, Dated: 20.5.1985 of Bhanumukkala Village, Pamulapadu Mandal, Kurnool District for excavation of Link Channel to Velugodu Balancing Reservoir under Telugu Ganga Project

4) Government after careful examination of the matter, hereby accord sanction for an amount of Rs. 16,23,243/- (Rupees Sixteen Lakhs Twenty three thousand two hundred forty three only) towards final decretal charges to be deposited in Lower Court, in respect of O.P.Nos.85/95 & 86/95 pertaining to Bhanumukkala Village, Pamulapadu Mandal, Kurnool District for an extent of 1.96 acres in Survey.No. 475/2 & 476/1 etc., acquired through Award No. 15/85, Dated: 20.5.1985 for excavation of Link Channel to Velugodu Balancing Reservoir under TGP, subject to verification whether the reference under Section 18(1) of the L.A. Act is made to the Lower Court after following all the guidelines/directions on the subject and in case, it is detected that section 18 reference was made contrary to the rules/guidelines issued by the Government/Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad. Immediate action should be taken to recover the loss sustained
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by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of Chief Engineer as to the extent of land acquired. Further the Special Collector, Srisailem Project, Kurnool should verify the calculations made by the LAO, once again thoroughly with reference to the decree and instructions issued by the Government/Chief Commissioner of Land Administration, Hyderabad on the subject from time to time, before depositing the amount in the Lower court.

5 The Special Collector, Srisailem Project, Kurnool is directed to follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P. No. 2181/2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No. 85/95 & 86/95 for avoiding intervention of the middlemen.

6) The amount sanctioned in para (27) above shall be debitable to the following Head of Account under "4701 -COL on Major and Medium Irrigation; 01 - Major Irrigation (Commercial); MH 123 -TGP; G.H. 11- Normal State Plan; S.H. (26) D&A Works ; 530 Major Works; 532 - Lands (charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure may be met initially by way of advance from Contingency Fund subject to surrendering an equal amount from voted grant.

7) This orders issues with the concurrence of Finance (W&P) Department vide their U.O.No. 3638/F7(A2)/10-1, Dated: 3.7.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYANATH DAS,
SECRETARY TO GOVERNMENT.

To

The Special Chief Secretary to Government & Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.

The Special Collector, Srisailem Project, Kurnool

The Deputy Director, Sericulture, Kurnool

The Special Deputy Collector, L.A. T.G.P. Unit-II, Nandyal

The Engineer-in-Chief, Hyderabad

The Superintending Engineer (P), Irrigation, Kurnool

The Director of works and Accounts, Hyderabad

The District Treasury Officer, Kurnool

The Joint Director, Works & Accounts, Srisailem, Kurnool

The Pay & Accounts Officer, Kurnool

Copy to

P.S. to Minister(M & MI)

Law Department/Finance (W&P) Department

Secretary (RRM) Peshi

C.No. 13262/L.A.II/A1/2010

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SECTION OFFICER